IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4147 OF 2006
IN
INCOME TAX APPEAL LODGING NO.2290 OF 2006

The Commissioner of Income Tax 10. ..Appellant.
Vs.
M/s. Shivaji Roller Flour Mills Ltd. ..Respondents.

Mr.P.S. Sahadevan for the Appellant.

Mr. P.J. Pardiwala with A.K. Jasani for the Respondents.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 18TH DECEMBER,2007.

PC :

1. This is a notice of motion for condoning delay of 181 days in filing the main tax appeal. On perusal of the affidavit in support of the notice of motion, it is seen that the judicial folder was sent to the Advocate for drafting the appeal on 4.2.2006 and the draft appeal memo was received on 18.10.2006. In our view, the period between 4.2.2006 and 18.10.2006 has not been properly explained. The cause shown is therefore, not sufficient cause. Hence, Notice of motion is dismissed.

(R.S. MOHITE, J.) **(F.I.REBELLO, J.)**

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1. As the notice of motion for condonation of delay has been dismissed, appeal also stands dismissed. Refund of court fee as per rules. Certified copy expedited.

(R.S. MOHITE, J.) **(F.I.REBELLO, J.)**